

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

G.A. NARANJO

Plaintiff

-v-

JAMES SHERMAN, WARDEN

Defendant

District No. 05 - 106 Erie

PLAINTIFF'S PRO SE
MOTION FOR RECONSIDERATION

NOW COMES Plaintiff Mr. Naranjo, captioned above, who states:

- 1] he **filed** timely response (objections) to 'Magistrate Judge's Report And Recommendation', received about July 29th - 2005, on August 09th (while fighting for use of 1 of 7 operable McKean typewriters to make filings). **Also filed**, 3 days later, was: Plaintiff's Motion To Supplement Plaintiff's Response To Magistrate Judge's Report And Recommendation'; and Plaintiff's Affidavit.
- 2] he was NOT able for reason(s) of being denied in 4 writings, to retain and forward copy(s) of his McKean inmate account and record(s). This was NOT Plaintiff's fault, neglect.
- 3] he **filed alternatively** and done at his creative initiative and ambition, and restriction(s)/denial to bona fide McKean records access, copy(s) of his own inmate receipt(s), ledgers, record(s), evidencing account interim balances. This was done in said item " 1] " above response (objections) filing(s) on said August 09th - 2005, and said 3 days later with ' . . . Motion To Supplement . . . And Recommendation'.
- 4] he strangely received the Court's August 11 - 2005 **Memorandum ORDER**, August 18th (am), with NO Plaintiff filing references.

RELIEF REQUESTED -

- a) accept Plaintiff's prior receipts-ledgers, filing(s), etc..
- b) accept Plaintiff's heartfelt position and give him fair, just, equal opportunity, etc., at redress.
- c) offer any other remedy and or relief, but allow Plaintiff to continue his complaint (to be amended soon) and redress.

August 19 , 2005

G. A. NARANJO
G.A. Naranjo, Plaintiff (Pro Se)
30045 039
F.C.I. McKean; P.O.Box 8000
Bradford, PA 16701

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

G.A. NARANJO,

Plaintiff,

v.

JAMES SHERMAN, Warden,

Defendant.

C.A. No. 05-106 Erie

MEMORANDUM ORDER

_____Plaintiff's civil rights complaint was received by the Clerk of Court on April 5, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on July 22, 2005, recommended that the Plaintiff's Motion to Proceed *In Forma Pauperis* [Doc. 2] be denied and the case dismissed without prejudice. The parties were allowed ten (10) days from the date of service to file objections. Service was attempted on Plaintiff by certified mail at FCI McKean, Plaintiff's address of record, and on the Defendant. No objections were filed. After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 11th Day of August, 2005;

IT IS HEREBY ORDERED that the Plaintiff's Motion to Proceed *IN forma Pauperis* [Doc. 2] is DENIED and the case DISMISSED WITHOUT PREJUDICE.

The report and recommendation of Magistrate Judge Baxter, dated July 22, 2005, is adopted as the opinion of the court.

s/ SEAN J. McLAUGHLIN
United States District Judge

cc: all parties of record

August 19, 2005

Clerk of the Court
United States District Court
For The Western District of Pennsylvania
17 South Park Row - Rm A280
Erie, PA 16501

Naranjo v Sherman
05 - 106 Erie

Dear Clerk of the Court

Hope you are enjoying your summer days; please find enclosed for filing

"Plaintiff's Pro Se Motion for Reconsideration";


and

Certificate of Service also enclosed.

Motion 1 original and 2 copy(s) ; and C./Service
1 original and 1 copy(s) are what you will find.

Please note my single copy(s) of each: motion and service to be stamped / entered and returned to me in enclosed envelope/ stamped is also enclosed.

Thank you so very much,



G.A. Naranjo, Plaintiff
30045 039
F.C.I. McKean, P.O.Box 8000
Bradford, PA 16701

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

G.A. NARANJO)
Plaintiff)
-v-) District No. 05 - 106 Erie
JAMES SHERMAN, WARDEN)
Defendant) **CERTIFICATE OF SERVICE**

I, the undersigned, state and affirm that the below identified pleading entitled:

"Plaintiff's Pro Se Motion for Reconsideration"

was served on the below party(s) and done by: first class mails; with proper addressing, and proper postage affixed, and deposit made at the legal mails drop box at McKean F.C.I. on the date below to:

James Sherman, Warden

c/o Northwest Region Office of Counsel
U.S. Customs House - 7th Floor
2nd and Chestnut Street(s)
Philadelphia, Pennsylvania 19106

date August 19 2005

G.A. NARANJO
G.A. Naranjo, Plaintiff (ProSe)
30045 039
F.C.I. McKean; P.O.Box 8000
Bradford, PA 16701